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DOCKET NO.: C1037.70038US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/735,592  
Confirmation No.: 2533  
Filed: December 11, 2003  
For: 5' CPG NUCLEIC ACIDS AND METHODS OF USE  
Examiner: Nita M. Minnifield  
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 18<sup>th</sup> day of July, 2006.

  
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Copy of International Search Report dated October 12, 2005
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:



Helen C. Lockhart, Ph.D., Reg. No.: 39,248  
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Telephone: (617) 646-8000

Docket No.: C1037.70038US01  
Date: July 18, 2006  
xNDDx



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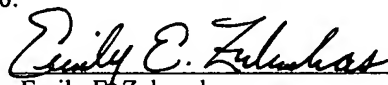
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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u> | <u>Docket No.</u> |
|-------------------|--------------------|--------------------|-------------------|
| 10/532,746        | 04-26-2005         | Ahluwalia et al.   | *C1037.70035US01  |
| 11/179,008        | 07-08-2005         | Hartmann et al.    | *C1039.70044US02  |
| 11/255,100        | 10-20-2005         | Krieg et al.       | *C1037.70059US01  |
| 11/301,360        | 12-09-2005         | Bratzler et al.    | *C1037.70013US02  |
| 11/361,313        | 02-24-2006         | Krieg et al.       | *C1037.70060US01  |
| 11/368,333        | 03-03-2006         | Lipford et al.     | *C1041.70037US01  |
| 11/368,334        | 03-03-2006         | Krieg et al.       | *C1039.70065US01  |
| 11/401,093        | 04-10-2006         | Krieg et al.       | *C1037.70062US01  |
| 11/411,975        | 04-26-2006         | Uhlmann et al.     | *C1041.70045US01  |

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.

|                   |                     |                                 |                   |
|-------------------|---------------------|---------------------------------|-------------------|
| <u>Serial No.</u> | <u>Mailing Date</u> | <u>Type(s) of Communication</u> | <u>Docket No.</u> |
| PCT/US03/39775    | October 12, 2005    | International Search Report     | C1037.70038WO00   |

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



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Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 1 of 14

APPLICATION NO.: 10/735,592

ATTY. DOCKET NO.: C1037.70038US01

FILING DATE: December 11, 2003

CONFIRMATION NO.: 2533

APPLICANT: Krieg et al.

GROUP ART UNIT: 1645

EXAMINER: Nita M. Minnifield

**U.S. PATENT DOCUMENTS**

| Examiner's<br>Initials # | Cite<br>No. | U.S. Patent Document |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication or Issue<br>of Cited Document<br>MM-DD-YYYY |
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|                          | A134        | 6,503,533            | B1           | Korba et al.                                       | 01-07-2003  |

EXAMINER:

DATE CONSIDERED:

# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

|   |   |    |    |                                |  |                                   |  |  |  |
|---|---|----|----|--------------------------------|--|-----------------------------------|--|--|--|
| <b>FORM PTO-1449/A and B (modified PTO/SB/08)</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |    | APPLICATION NO.: 10/735,592    |  | ATTY. DOCKET NO.: C1037.70038US01 |  |  |  |
|   |   |    |    | FILING DATE: December 11, 2003 |  | CONFIRMATION NO.: 2533            |  |  |  |
|   |   |    |    | APPLICANT: Krieg et al.        |  |                                   |  |  |  |
|   |   |    |    | GROUP ART UNIT: 1645           |  | EXAMINER: Nita M. Minnifield      |  |  |  |
| Sheet   | 2 | of | 14 |                                |  |                                   |  |  |  |

|  |      |              |    |                   |            |
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| Sheet   | 3 | of | 14 |                                |  |                                   |  |  |  |

|  |      |              |    |                 |            |
|--|------|--------------|----|-----------------|------------|
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|   |   |    |    | GROUP ART UNIT: 1645           |  | EXAMINER: Nita M. Minnifield      |  |  |  |
| Sheet   | 4 | of | 14 |                                |  |                                   |  |  |  |

|  |      |              |    |                  |            |
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|   |   |    |    | FILING DATE: December 11, 2003 |  | CONFIRMATION NO.: 2533            |  |  |  |
|   |   |    |    | APPLICANT: Krieg et al.        |  |                                   |  |  |  |
|   |   |    |    | GROUP ART UNIT: 1645           |  | EXAMINER: Nita M. Minnifield      |  |  |  |
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